

Notice of Allowability

Application No.

09/482,680

Examiner

Thomas R. Peeso

Applicant(s)

STEBBINGS, DAVID W.

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application papers filed.
2. ☒ The allowed claim(s) is/are 1-51.
3. ☒ The drawings filed on 02232000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 01292002, 01232004, 09/82000
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

THOMAS R. PEESO
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Applicant has claimed uniquely distinct features in the instant invention which are not found in the prior art, either singularly or in combination.

According to the invention, a processing device is configured to receive code signals, at least one of the code signals including the data is embedded in the data medium. An adjust gain device is operably connected to said processing device, and configured to adjust said code signals, including at least one of the audio data and the data to be embedded. A bit stuffing adder is operably connected to said processing device, and configured to transform audio data from a lower bit signal to a higher bit signal. A dither generator is operably connected to a dither adder and to a dither subtracter, a dither adder operably connected to said bit stuffing adder, to said adjust gain device and to said dither generator, a dither subtracter operably connected to said dither generator and said dither adder, said dither subtracter configured to receive a composite audio dither signal from said dither adder and to produce a final output signal comprising the audio data and the embedded data, the audio data being substantially audible to a user and the embedded data being substantially inaudible to the user.

In another embodiment, an original audio signal and data is generated or accessed to be embedded into said original audio signal. The original audio signal is transformed from a lower bit signal to a higher bit signal. At least one of said original audio signal and the embedded data is processed in order to produce a dynamically modified code signal, combining said original audio signal, said dynamically modified code signal, and a dither

Art Unit: 2132


signal to produce a composite audio dither signal, removing a dither signal from said composite audio dither signal and outputting a final output signal comprising substantially said original audio signal and the embedded data as at least: one of audio, video, audio data, video data and digital data.

These features are not found or suggested in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Peeso whose telephone number is 571 272-3809. The examiner can normally be reached on Mon.-Fri, 7:00 to 3:30 .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on 571 272-3799.



Thomas R. Peeso
Primary Examiner
Art Unit 2132

March 15, 2005